

photo array showings was only discovered when the individuals who viewed the second and third arrays were being prepared for their testimony before the Grand Jury, and who described being shown a sheet of pictures and picking two photos each. When an ADA of the RCDA discussed with Det. Aust the accounts of these two witnesses as they related to prior identification procedures, he responded that that it was his understanding that if a witness did not make a positive identification when shown a photo array, documentation in a DD5 was not required.

b. PO Michael Lenge

- i. 08/17/2012- forfeited 2 vacation days smoking a cigarette while in uniform while aboard the SI Ferry.
- ii. 10/17/2012- transferred from the 120 Precinct to PBSI as a result of unnamed conduct prejudicial to the good order of the department.
- iii. *Gavars v. City of New York*, 1:09-cv-04280-FB-ALC- false arrest and use of force case settled for \$2,000 without admission of fault.

c. Detective Andrew Carroll

- i. 09/17/1992- substantiated failure to make out a complaint. Received command discipline.
- ii. 08/07/2000-put on modified duty [REDACTED]
- iii. 11/16/2006-substantiated allegation of [REDACTED] with no misconduct.
- iv. 08/07/2009- suspended for failure to secure shield, firearm, and ID card and then placed on modified assignment.
- v. 08/07/2009-suspended without pay for 31 days and lost 29 vacation days for consuming an intoxicant while off duty to the extent that said detective was unfit for duty while armed and failed to safeguard his firearm.
- vi. 08/10/2011- substantiated claim for computer misuse in that he wrongfully used a department computer to access a website for reasons unrelated to official department business. Received command discipline and lost three vacation days.

d. Detective James Piscopo

- i. *Gambino v. City of New York et al.*, 09-CV-04292, settled in 2010 for an amount of \$6,500.00, with stipulation of settlement filed ending litigation and without admission of fault or liability;
- ii. *Gaffney v. City of New York et al.*, 10-CV-01192, following a jury trial in January 2012 the plaintiff's claims against Officer Piscopo were dismissed and he was removed as a defendant in the action;